

[Mr. Speaker]

in compliance with the provisions of Article 356(3) of the Constitution.

As regards other issues, these could be raised when the Demands for the Ministry of Home Affairs come up for discussion on 22nd March, 1982.

(At this stage some Hon'ble Members left the House).

#### RE-NEED FOR REPORTING BY PRESS AFTER VERIFYING FACTS

MR. SPEAKER : Yesterday, a report was published in the press about the killing of seven army jawans by Assam Rifles personnel in Ukhrul area of Manipur East district on 9th March, 1982. This gave rise to considerable agitation in the minds of the public and Members. This matter was also sought to be raised through notices of Adjournment Motion to which I had withheld my consent.

A news report has been published in today's newspapers that Defence authorities have denied the killing of army jawans by Assam Rifles personnel and the press release issued in this regard has termed the report as 'malicious and a figment of imagination'.

It is rather unfortunate that such baseless and sensational reports are published in the press without proper verification of facts, which agitate the minds of the Members and the public alike. I need hardly emphasise that the news agencies and papers are expected to exercise every check about the veracity of such serious incidents before giving them currency.

12.52 hrs.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

DELAY IN PAYMENT OF COMPENSATION TO FARMERS FOR LAND ACQUIRED NEAR HINDON IN GHAZIABAD, U.P.

DR. VASANT KUMAR PANDIT (Rajgarh): Mr. Speaker, Sir, I call the attention of the Minister of Defence to the following matter of urgent public importance and request that he may make a statement thereon:

"Inordinate delay in payment of compensation to farmers whose land was acquired for the construction of an airstrip near Hindon in Ghaziabad, Uttar Pradesh".

THE MINISTER OF DEFENCE (SHRI R. VENKATARAMAN) : Mr. Speaker, Sir, an area of land measuring 2221.73 acres of land in some villages near Ghaziabad was first requisitioned under Section 29 of the Defence of India Act, 1962 on 2-11-1963 for construction of Hindon Air Field. The same was subsequently acquired under the said Act on 30-3-1965, excluding an area of 119.24 acres which was de-requisitioned.

The Special Land Acquisition Officer (Defence Projects) divided the land into three parts for the purpose of assessment of compensation. The total compensation assessed by the Land Acquisition Officer was about Rs. 1 crores 30 lakhs which was disbursed to the land owners in 1968-1969.

Some of the farmers, who were dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer, requested for the appointment of an Arbitrator. The Government of Uttar Pradesh which is the Competent Authority accordingly, appointed the Arbitrator in 1977. Out of 840 cases referred to him, the Arbitrator has so far given his award in respect of 350 cases only. The remaining 490 cases are yet to be decided by him.

Against the total compensation of around Rs. 1.30 crores paid under the award given by the Special Land Acquisition Officer, the additional compensation payable as per the award of the Arbitrator would be Rs. 4.12 crores. The Government considered the compensation awarded by the Arbitrator on the high side apart from the awards suffering from certain legal infirmities and, therefore, decided to contest the awards. A number of cases are now pending decision in the various Courts of Law. Thus, it would be observed that among other things the quantum of compensation is pending adjudication by Courts and

discussion of the matter on the floor of the House may not be appropriate.

DR. VASANT KUMAR PANDIT :  
Mr. Speaker, Sir, I have gone through the statement very carefully.

12.54 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The hon. Minister of Defence, who is known for his preciseness, forthrightness and open-mindedness, has unfortunately given a very confusing statement. This confusion has been purposely created to cover the inordinate delay. The confusion is very patent by the last sentence which has been used in the statement, "and discussion of the matter on the floor of the House may not be appropriate". We are not going into the merits of the case of compensation. The entire purpose of the calling attention notice was to draw attention to the inordinate delay, and that has been very cleverly covered up.

This is a single instance of avoidable delay and avoidable expense at the cost of the Treasury.

For the benefit of the House, I would put the chronology of the entire episode once again.

The Requisition Notice for acquisition for public purpose was issued in 1963. According to the practice, the price of that day is to be paid as compensation. When the Notification is issued, the process starts. In 1965, the acquisition proceedings took place. The land was acquired. The Acquisition Officer in the first stage awarded a compensation of only Re. 1/- per square yard. But there are established norms to determine the price to be paid as compensation. For instance, the sale in the vicinity during that period, and there should not have been much difference in the price which was offered to the poor villagers whose seven to eight villages were taken away. The Army Jawans are drawn from the poor farmers, from our villages.

And in the second stage, the sole Arbitrator who was appointed by the District Judge, Meerut, awarded com-

penation of Rs. 2.60 per yard, i.e., 160 per cent more than what the Government was offering. This was a gross difference. This was an awarded price under the Award. But that was not paid. The Award also had stated that interest at the rate of 6 per cent should be paid. If we calculate the entire expense to the Government of the compensation amount as on this date and also the interest that they are now required to pay, and which was an avoidable expense, it would become clear how much more would it cost to the Treasury. And then these poor farmers of these villages have been sent from pillar to post to claim their rightful price of land after 11 years.

After the second stage, the Government went in appeal before the High Court, Allahabad, against the Arbitrator's Award, because as, the Statement says, "they found it on the high side". The High Court dismissed the Government's plea with cost in 1980. There is no word dismissed here anywhere. The Central Government then appealed to the Supreme Court. Again there was an avoidable delay sending the farmers constantly from pillar to post and making them suffer expenses from their own pockets. But, the Supreme Court also dismissed the appeal with costs in January 1982.

These three stages could have been easily avoided. Even after the Supreme Court also had dismissed the Government appeal fresh writ applications in certain selected cases have now been filed so that the entire process is again toppled.

My question to the Government is whether any assessment was made as to what price the Government expect to give? Because the price of Re. 1/- itself was a price of 1963, when the Notification was issued. It was already less. And it was the Award of the Arbitrator who granted Rs. 2.60 per square yard as compensation; it was not claimed by the farmers. And thereafter the Government constantly goes in appeals, which were dismissed three times.

[Dr. Vasant Kumar Pandit]

Sir, I would like to know from the Government how much cost or how much total disbursement would have been made if the interest was paid as per the Award? Secondly, what made them go to the High Court and the Supreme Court to waive the interest? It has been the established practice. It is part of the law.

13 hrs.

Thirdly, a general question arises out of such matters brought before the House; viz. every state has a Requisition and Rehabilitation Commissioner who decides these cases. The moment land is acquired, 50 per cent of the amount is given to them in cash; and the remaining is given after the award, with interest. Why was not this procedure followed in this case? Particularly in the case of the Defence Department—I again repeat—our young villagers join and become Jawans etc. They have given away their land without going to the courts. They could have stalled the proceedings. The acquisition procedure is such that once land acquisition proceedings start, they have no other go except to accept the price.

Therefore, will the Defence Minister answer the question about the delay, and about the unnecessary and avoidable expenditure to the Treasury?

SHRI R. VENKATARAMAN : I will give a few facts. The original compensation fixed by the Special Officer for Land Acquisition was Rs. 1.30 crores. It has been paid; about it, there is no question. The only question is about the enhanced compensation. The additional compensation, which is fixed by the Arbitrator, was Rs. 1.86 crores, and the interest thereon comes to Rs. 2.27 crores. Government was advised that the rate of compensation, the method of fixing compensation, the parameters and the various factors which are taken into consideration for fixing compensation were incorrect. Government was advised to file an appeal

SHRI ATAL BIHARI VAJPAYEE : (New Delhi) : By whom?

SHRI R. VENKATARAMAN : It was your Government that filed the appeal.

SHRI ATAL BIHARI VAJPAYEE : Now you withdraw the appeal. You do something different. Don't keep on telling these things.

MR. DEPUTY-SPEAKER Mr Vajpayee, you wanted to know, by whom.

SHRI ATAL BIHARI VAJPAYEE : A certain land was acquired in 1972. I wanted to know whether it was done by the Law Ministry. A political decision has to be taken. You cannot leave these matters to the bureaucrats. And if we had committed any mistake, why do you repeat that mistake?

MR. DEPUTY-SPEAKER : You wanted to know, by whom.

SHRI ATAL BIHARI VAJPAYEE : I did not want to know whether it was my Government or their Government. I wanted to know whether it was done under the advice of Law Ministry.

SHRI R. VENKATARAMAN : I am sorry to have hurt my esteemed friend. It was forced on me. Normally, I don't make a distinction between one Government and another, because I think Government is continuous. But when you challenge and say : "Why did you file an appeal?" I have to say your Government filed the appeal. (Interruptions).

SHRI ATAL BIHARI VAJPAYEE : How can Janata Government advise them?

SHRI R. VENKATARAMAN : This is again a matter which that Government must explain.

SHRI ATAL BIHARI VAJPAYEE : You find out from the records. You are the Minister-in-charge. Don't take it in a non-serious manner.

SHRI R. VENKATARAMAN : You don't shift the ground.

**SHRI ATAL BIHARI VAJPAYEE :** I have gone through the whole case. I know that the Janata Government committed a mistake in this case ? but now it is for them to rectify that mistake.

**SHRI R. VENKATARAMAN :** Please sit down. It is a different story now. On record, Government was advised that the parameters fixed, under which the award was given, were not correct; and that the award of interest was also not proper. Therefore, they were advised to file an appeal. They made a technical mistake. They filed an appeal.

The Government had filed an appeal in the High Court of Allahabad. In the meanwhile the Defence of India Act had been replaced by the Acquisition and Requisition Act 1965—not 1965; it is on a later date. When this Act was replaced, under the new Act, there was no provision for appeal of acquisition though there was an appeal for requisition. The persons, who ever advised, they advised that an appeal can be filed and they filed an appeal and the High Court held that they had no right of appeal. Then this matter was taken to the Supreme Court on the legal advice where they had confirmed that they had no right....

**SHRI ATAL BIHARI VAJPAYEE :** When was the matter taken to the Supreme Court ?

**SHRI R. VENKATARAMAN** In our time because it is a continuation of what you had started.

**SHRI ATAL BIHARI VAJPAYEE :** Now it is a continuation and at that time it was a departure.

**SHRI R. VENKATARAMAN** It is a continuation of what was done.

**SHRI ATAL BIHARI VAJPAYEE :** It is a continuation of the mistake.

**SHRI R. VENKATARAMAN :** All right, if you admit it a mistake, I have no objection. That is exactly what I was trying to show that you

are trying to palm off your mistake as mine. That is all I am trying to show. Now the point is if the Government had taken under advice a particular stand, they cannot give it up unless they get a decision in the court in one way or the other. Now, if we say that we will give the money, we are liable to be questioned by the Audit as to on what ground you gave up your claim which you yourselves had made earlier. Therefore, it is not such an easy thing for the Government to go on shifting their ground. All I can help and I certainly want to help is to see that if the court upholds our contention with regard to the interest, we will not go forward fighting about the enlarged compensation; that offer I can make on behalf of the Government and I think that it should be satisfactory to the members. I do not know whether any compromise could be effected in a case like this. If it is possible, on behalf of the Government I will be able to make an offer that if the interest is waived, the enhanced compensation could be settled subject to this being accepted by the various authorities concerned. We do not want, as I said, to deprive the people of the enhanced compensation which has been given; if it is possible, we will give it.

Then the point which was raised was that we have taken this matter to the court by way of writ. There again there is a long proceedings. Some of the land owners tried to have the execution of the order under the law; unless the order is made a rule of court, it cannot be executed. Therefore, we said that you cannot execute this; mere award of arbitration cannot be executed and it has to be made a rule of court; and any order of execution on the basis of an award of arbitration cannot be done. Therefore, we have taken this matter to the High Court. The point really is that the Government are not interested in adding to the difficulties of the farmers. We will try to be as sympathetic as we can; and this is a matter which can be worked out, if any settlement

[Shri R. Venkalaraman]

can be reached on the basis of which I have suggested we would also be willing to consider.

**SHRI ATAL BIHARI VAJPAYEE:** Mr. Deputy Speaker, the hon. Defence Minister has tried to shelve his responsibility by referring to the fact that for a short duration the Janata Party was voted to power. But this is not a matter which has happened after 1977. The land was acquired 18 years back. But there is something basically wrong with our land acquisition law proceedings that farmers do not get compensation in time. They do not get fair compensation. They have to run from pillar to post. There is no derth of sympathy for farmers. A rally was organised by the ruling Party and the Prime Minister offered her blood. You are not prepared here even to pay compensation. And the Defence Minister has made an offer that 'if the farmers are prepared to waive interest....' Why should the farmers waive interest? Interest is a part of the Land Acquisition Act. If there is delay, and in this case nobody can deny that there has been inordinate delay, the farmers are entitled to interest. Why should there be a settlement which will deprive the farmers of the interest which is due to them? The Land Acquisition Officer offered one rupee per yard. Do you know what is the price of land in that area now?

**SHRI R. VENKATARAMAN:** But it was in 1963.

**SHRI ATAL BIHARI VAJPAYEE:** Yes, it was in 1963.

**SHRI R. VENKATARAMAN:** You must have a look at the 1963 price, not today's price.

**SHRI ATAL BIHARI VAJPAYEE:** You did not pay immediately. Farmers had every right to approach the Government to appoint an arbitrator and the farmers were justified and they have to get enhanced rate. But the Government did not like the farmers to get even two rupees and sixty paise

per yard; and you are talking of farmers!

**SHRI R. VENKATARAMAN:** It is you... (Interruptions).

**SHRI ATAL BIHARI VAJPAYEE:** The land has been acquired. This is not an isolated case. Mr. Venkataraman, you are new to this Ministry and to this acquisition case. But this is happening all over the country. The Minister for Agriculture had given a solemn assurance on the 19th March, 1981 when Members had raised the question of acquisition of land in the Union Territory of Delhi. The Minister said that the Government was considering amendment to the Land Acquisition Act. Now, one year has passed. We are in March 1982. The Government has not come forward with an amendment. Farmers still continue to suffer. Why was there an appeal against the award of the arbitrator? The appeal was rejected by the High Court. Why did the Government approach the Supreme Court? Whether we approached or you are approaching is not very significant, Mr. Venkataraman. You know, it is the bureaucracy which is running the country. I do not blame the Ministers. Ministers may not even know what is happening. That is why I say that there is something wrong with our method of dealing with cases of land acquisition. If they get Rs. 2.60 per yard, they have lost their land. They have not been given any facilities like those which have been offered by D.D.A. that if jobs are created with the help of the land acquired from the farmers, their sons will be accommodated first. Even that offer has not been made. In certain cases it is being done. Farmers are getting priority and jobs if something comes up on the land which had belonged to them. Is it not possible for the Government to direct its machinery to withdraw the cases from the Supreme Court? I do not understand. I had studied law, but I have never practised it. They have been withdrawing all sorts of cases. I do not want to go into the details. Am I to understand that if the Govern-

ment approaches the Supreme Court saying, "Look, we have decided that the arbitrator's award should be implemented, and we do not want to pursue the case any further", will the Court decline?

AN HON. MEMBER: Never!

SHRI ATAL BIHARI VAJPAYEE: But the Minister is not prepared to do that.

MR. DEPUTY-SPEAKER: How do you know that? He has not replied.

SHRI ATAL BIHARI VAJPAYEE: He has already said, no interest.

MR. DEPUTY-SPEAKER: You have made your point. You must wait for the reply from him.

SHRI ATAL BIHARI VAJPAYEE: Under the Land Acquisition Act as amended in 1975:

"When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with the interest thereon at the rate of 6 per cent per annum from the time of so taking possession until it shall have been so paid or deposited."

I do not know why the Government should not pay full compensation plus interest. It should be done immediately. The time has come to amend the Land Acquisition Act. The Government functions on the basis of joint responsibility. The Defence Minister should not shirk his responsibility and tell the House that he will speak to his colleague. The matter was to come up before the Cabinet, but one year has passed. The Delhi farmers are agitated. These farmers have been ruined. Why do we want our farmers to knock at the door of the court?

MR. DEPUTY-SPEAKER: How many farmers are involved in this?

SHRI ATAL BIHARI VAJPAYEE: 10,000 bighas of land—five villages. For the Minister to say that the case is in the court of law and so, the discussion will not be appropriate....

SHRI R. VENKATARAMAN: I said, on the merits.

SHRI ATAL BIHARI VAJPAYEE: I would like to thank the Speaker for admitting this motion. The Speaker must have taken care of the fact whether the discussion will be appropriate or not.

MR. DEPUTY-SPEAKER: As a farmer our Speaker is always in favour of farmers. He is a farmer himself.

SHRI ATAL BIHARI VAJPAYEE: The last sentence here says that the discussion will not be appropriate. Are we doing something inappropriate in this House? Is the Speaker a party to this inappropriate action? That sentence should have been excluded. The other day when we met the Defence Minister, he was good enough to receive a delegation of the farmers. He gave an assurance that day which was something different from what he is telling now. Let him categorically tell the House that this matter will not be allowed to hang fire any more. Let him fix a time limit by which the farmers will get full compensation. When I say 'full compensation', I mean compensation as increased by the arbitrator plus interest.

SHRI R. VENKATARAMAN: The hon. member read from the Land Acquisition Act. Interest is payable from the date on which the amount should have been deposited. In this case, the amount had been deposited and disbursed. It is only in respect of the enhancement that the dispute is now pending. Originally the Land Acquisition Officer fixed 'X' amount as compensation and that amount has been deposited. That has been disbursed to all the people. Then they said, they were not satisfied with the compensation. They went in for

[Shri R. Venkataraman]

arbitration proceedings. The arbitration proceedings have not become final. That is the position now. The arbitrator gave an award over which, if the other Government had not filed an appeal, we would have been barred by this time. 30 days or 90 days would have elapsed by that time. They initiated the appeal and filed the appeal. Once you file an appeal and you get a decision, the law experts advise whether the appeal should be continued or not. We have to go by that advice. Otherwise, we would have been criticised for not accepting the various advices given by the particular experts in that field. This is the position. So far as filing of appeal is concerned, we are governed by the advice which is given. On merits, I said, Government are not satisfied that the award of interest in this case is justified. And, therefore, we are contesting that position. The award of interest is according to us, not proper in this particular case because the original compensation, which is payable, has been deposited. In respect of the enhanced amount which is still in dispute, we have said that we are disputing both the amount as well as the interest. I thought that if the interest on which the Government think there is no case for the farmers, is given up, there would be a way out. But I did not suggest it as a compromise. I said, this is the contention of the Government. Whereas the Government have no objection to pay the enhanced compensation, Government have objection to the payment of interest, which according to their legal advice, is not payable and we are bound by that advice.

So far as the Land Acquisition Act is concerned, I agree that it has to be amended. The proceedings are dilatory and prolonged and it causes lot of inconvenience to the people. We all agree on this. The matter has already been taken up by my esteemed colleague and we are in the process of it. I may assure the House that the proposed amendment to the law will be coming up soon.

I would again repeat what I told Vajpayeeji. I will give my personal attention to this matter and see that it is settled as early as possible.

SHRI ATAL BIHARI VAJPAYEE: But you have been misled by your officers.

MR. DEPUTY-SPEAKER: He has already extended his hand of cooperation.

श्री रीतलाल प्रसाद वर्मा (कोडरमा) : माननीय उपाध्यक्ष जी, माननीय मंत्री जी ने जो जवाब दिया है वह अभी भी संतोषप्रद नहीं है। किसानों को 18 वर्षों तक पंचायत और कोर्ट के दायरे में रखकर परेशान किया गया, उनकी फजीहत की गई जिसके कारण किसान लड़ने के लिए कटिबद्ध हैं। माननीय मंत्री जी कहते हैं कि मामला अभी भी न्यायालय में लंबित है लेकिन इसकी अपील तो सरकार ने हाई कोर्ट में की थी। अलाहाबाद हाईकोर्ट से 10 अक्टूबर, 1980 को यह केस खारिज हुआ और 21 जनवरी, 1982 को सुप्रीम कोर्ट से खारिज हुआ। इसलिए पंचायत का जो फैसला था, मध्यस्थ का वह बिल्कुल उचित होना चाहिए था।

मैं इस सम्बन्ध में डिफेन्स आफ इंडिया एक्ट की धारा (3) को उद्धृत करना चाहता हूँ :

"Whenever in pursuance of section 29 the Central Government or the State Government, as the case may be, requisitions any immovable property, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following namely:—

(i) the rent payable in respect of the property or if no rent is payable, the rent payable in respect of similar property in the locality;

(ii) if in consequence of the requisition of the property the person interested is compelled to change his residence or place of

business, the reasonable expenses (if any) incidental to such change;

(iii) such sum or sums, if any, as may be found necessary to compensate the person interested for damage caused to the property on entry after requisition or during the period of requisition, other than normal wear and tear.

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine."

MR. DEPUTY-SPEAKER: Has there been any infringement of this Act?

श्री रीतलाल प्रसाद वर्मा : मेरठ जिले के जज जो कि आर्बिट्रेटर के रूप में नियुक्त हुए थे, उन्होंने फैसला दिया था। 16 मार्च, 1979 को इस बारे में फैसला हुआ है। मंत्री जी ने कहा है कि जनता सरकार ने ऐसा कैसे किया है, लेकिन जनता सरकार 1979 में समाप्त हो गई थी। आर्बिट्रेटर ने फैसला किया कि 2.60 पै. और 6 प्रतिशत ब्याज के साथ एवाड किया तो सरकार को यह बात मान लेनी चाहिए थी। धारा में स्पष्ट बताया गया है कि इसको बदला नहीं गया। जो आदमी विस्थापित हुए, डिस्प्लेस्ड, हुए उन लोगों को पंचाट के फैसले के अनुसार कम्पेंसेशन देने से क्यों मुकर रही है। इसके क्या कारण हैं?

पंचाट को 840 मामले संपुर्ण किए गए थे, जिनमें से 350 मामलों का निर्णय हुआ और अभी भी 490 मामले ऐसे ही पड़े हुए हैं। यह सब बिलकूल कानून के तहत किया गया है। कानून के प्रावधान के अनुसार अगर यह उचित नहीं होता तो कोर्ट एडमिट नहीं करता। डी. डी. ए. ने बांदली गांव में जो जमीन ली है, उसका 4.28 पै. पर-स्केयर गार्ड दिया गया है।

यह दूरी भी काफी है। गाजियाबाद के पास करेहरा, पसाँदा, सिकन्दरपुर, निस्तौली, मेबला, आगरी, असारतपुर रजापुर, बम्बहेरा, रइसपुर, सदरपुर, चिपयाणा, डुंडाहेड़ा आदि स्थानों से किसानों से जो जमीन ली गई है, उसका मुआवजा एक रुपया प्रति गार्ड के हिसाब से देना निश्चित किया गया था। क्या इससे वह अपने बाल-बच्चों का पालन-पोषण कर सकता है? मंत्री जी अपनी ओर से कोई जवाब नहीं देते हैं, कहा जाता है कि विचार किया जाएगा। इसलिए किसानों के ये कितने हमदर्द हैं, यह इनके बयान से साफ जाहिर होता है। इसलिए मैं माननीय मंत्री जी से जानना चाहता हूँ कि (1) क्या सरकार प्रभावित किसानों को 2.60 पै. प्रति गज और 6 रु. प्रति सैकड़ा सूद की दर से मुआवजा देगी, जो कि डिफेंस आफ इंडिया के सेक्शन 30 का उपधारा 1, 11, 3 के अनुसार अधि-निर्णय किया है, कब तक पूरा भुगतान करेगी?

MR. DEPUTY-SPEAKER: You are speaking about the future. You may say that interest must be paid to these people.

श्री रीत लाल प्रसाद वर्मा : दूसरा, जो किसान प्रभावित हैं, उनके आश्रितों को पुनर्वास हेतु सरकार एल. आई. जी. फ्लैट बनाकर देना चाहेगी? (3) सेना में उन प्रभावित किसानों के बच्चों को, जो कि योग्य हैं, उनकी एक पैनल लिस्ट बनाकर उनको सेना में भर्ती करना चाहेगी? (4) जिस तरह से डी. डी. ए. के फ्लैट्स बनाने के लिए बांदली गांव में राँहिण प्रोजेक्ट के लिए जमीन ली गई और 4.28 पै. कम्पेंसेशन दिया गया तो क्या सरकार उन किसानों को भी उसी तरह से मुआवजा देने का विचार रखती है?

SHRI R. VENKATARAMAN: Un fortunately, we are projecting our present state of mind to a thing which happened in 1962-63. At that time, according to the Special Officer, the land value in that area was only one rupee per square yard and that is why that decision was taken. Now it may be worth Rs. 6.

SHRI R. L. P. VERMA: Sir, that is not....

MR. DEPUTY-SPEAKER: He is mentioning the rate fixed by the Special Officer; not his rate.

SHRI R. VENKATARAMAN: Then the hon. Member asked me whether the Government would pay Rs. 6. Government have no power to pay Rs. 6 or Rs. 60. Whenever the Special Officer assesses the value and the market value is fixed, we are bound by it. We would pay according to it. Wherever the matter is under dispute, it goes to the authorities specified under the law and their decision becomes final and we obey it accordingly.

Then, he asked: When will the payment be made? The payment will be made as soon as the cases are decided. Until then we cannot make any payment.

The third question is whether dependents will be provided jobs. I do not know under what conditions at that time the land was acquired. Therefore, I am unable to give any undertaking on this.

SHRI NARAYAN CHOUBEY (Midnapore): Sir, the story goes that a boy was standing by the side of a pond and was stoning the frogs.

MR. DEPUTY-SPEAKER: Is it the story you heard from Vajpayee?

SHRI NARAYAN CHOUBEY: You too would have gone through this story when you were about 8 years old. And the frogs were crying and they complained that 'the boy is stoning us'. The boy told them, 'It is a play to me'. But the frogs told, 'What is play to you is death unto us.'

Sir, the Government is playing with the poor farmers. Since 1962 the game is on. Men may come and men may go, but the game goes on for ever. You know that in the year 1962 our country was attacked by China. At that time you were taking land for

the defence of this country and these farmers had come forward to play a part in the defence service for the motherland. There is a bengali proverb:

ब्राम्हण गेलो घर तो लागल तुजे घर

"When the Brahmin goes away, the kisan says, 'I have no more work'." Naturally, the danger being over now, you are playing with the kisans.

SHRI ATAL BIHARI VAJPAYEE: Why blame the brahmin?

SHRI NARAYAN CHOUBEY: That is the proverb. Brahmins are the root of all troubles, you know!

(Interruptions)

MR. DEPUTY-SPEAKER: He means that 'Brahmin' means supervisor of the land. He is not a brahmin by cast, he is a supervisor of the land. When the supervisor of the land goes away, the farmer does not work. (Interruptions).

SHRI NARAYAN CHOUBEY: It is really a matter of concern and as Shri Vajpayee has stated very correctly, it is not only a thing which is particular in nature, but it is a continuation of the general policies of the Government in such matters. Just now my Punjab comrades have said to me that the same thing has happened in Punjab. They have not yet got the compensation and the Defence Department is again the defaulter. And the Minister correctly stated, he has expressed his inability, he cannot do anything without that person, the great man who can fix up the price of land. The Government cannot do anything. He must follow what is fixed by the gentleman who is supposed to fix the price for the land. Actually there is something wrong in our system and the system is that bureaucracy rules a priori, and they dominate in several fields. Naturally, the time has come for the Government to think as to how to end it. He has asked for one

peculiar thing. Of course, I am a member of the Communist Party and we are told, we do not abide by democracy. But they are democrats. They always abide by the rules of law and actually, why should the poor peasants not ask for interest? Why should they not? It is also a part of the Act which he is quoting. Now you ask for compromise that 'give up your interest, I give you the enhanced rate of compensation'. Is it justified? I do not think it is justified.

Sir, I am neither the supporter of the Janata Party nor the supporter of your Party. Janata Party might have made a mistake. You are continuing the mistake. (*Interruptions*)... Now even in the Supreme Court they have lost the case. The case is dismissed for technical reasons.

AN HON. MEMBER: High Court.

SHRI NARAYAN CHOUBEY: No, in the Supreme Court too. Now you have filed a writ petition. What a good intention towards the peasants you are showing! I ask you one thing: Why don't you withdraw the case? If you could withdraw the Maruti case started by the Janata Government through a Commission, whether that was right or wrong, good or bad, it is for you to decide. But you had withdrawn many cases started in the tenure of two years. And if that be so, why do you not withdraw the case which will benefit the peasants? Can you withdraw the case as you have withdrawn the case in the case of Maruti, or not? (*Interruptions*) Maruti was he national thing.

Our kisans are not anti-nationals, I do not think so. That may be the case of 1962-63. At least I know from my personal experience in Bengal that when people lose land, whatever job is created there, if it is possible for their sons to get any appointment there as per their suitability, they are given those jobs. If it is pure and simple Defence Department affair, I do not know what can be done for them. But I would ask you whether such jobs can

Can they be taken in those jobs?

The last point I want to ask you is in such manner how many households had to be evacuated. How many belong to the backward classes, Scheduled Caste? Have you the knowledge or not as to where they have gone, where they are living now and what have you done to construct houses for them?

SHRI R. VENKATARAMAN: The hon. Member asked why we should not withdraw the cases. We have been advised that the interest is not payable. Unless the court decides one way or the other, we cannot withdraw the case.

The second point he asked was whether...

SHRI ATAL BIHARI VAJPAYEE: You can have second legal opinion.

SHRI R. VENKATARAMAN: Shall I send it to you?

SHRI ATAL BIHARI VAJPAYEE: I would like it to be sent to my friend Shri Jethmalani. (*Interruptions*).

SHRI RAM JETHMALANI (Bombay North-West): Whether they are entitled in fairness, the law will not tell you.

SHRI R. VENKATARAMAN: The second point was raised that under the law it is payable. If under the law it is payable, I will not be such a fool to contest. The law under which it was acquired is the Defence of India Act. The law which was cited by you and Shri Vajpayee is the Land Acquisition Act. Therefore, the question has arisen whether it is payable under the Defence of India Act: If it is payable under the law... (*Interruptions*). There is real legal dispute on this matter.

The third point is about the number of backward and...

**SHRI RAM JETHMALANI:** It is not a question of law, but one of propriety and fairness.

**SHRI R. VENKATARAMAN:** The hon. Member knows and Shri Vajpayee knows that if there is a certain nothing in the file. If you want to get it reversed, you must find legal argument for it first. Therefore, when they say it is not payable it is not open to any Minister to forego revenue. It is very difficult.

**MR. DEPUTY-SPEAKER:** You know Shri Jethmalani will argue on both sides.

**SHRI RAM JETHMALANI:** You must pay some compensation for with holding it.

**SHRI R. VENKATARAMAN:** We are paying compensation. I have explained everything. We have paid compensation. The dispute is only with regard to enhancement of rates. It is not with regard to compensation.

The third point which the hon. Member raised is—what is the number of backward class people? We have no information on this. It is a matter which relates to 1962-63. It is not possible to get the information.

13.39 hrs.

*The Lok Sabha adjourned for Lunch till forty minutes past Fourteen of the Clock.*

*The Lok Sabha re-assembled after Lunch at forty-five minutes past Fourteen of the Clock.*

**MR. DEPUTY-SPEAKER:** in the Chair.

#### MATTERS UNDER RULE 377

(i) Need for adequate supply of wheat by Central Government to Rajasthan for distribution from fair price shops.

**MR. DEPUTY-SPEAKER:** We, now take up matters under rule 377.

**श्री वृद्धि चन्द्र जैन (बाड़मेर):** देश में सार्वजनिक वितरण प्रणाली के अन्तर्गत आवश्यक वस्तुओं की उचित मूल्य की दुकानों में केन्द्र सरकार प्रतिवर्ष वृद्धि कर रही है, परन्तु बढ़ती हुई जनसंख्या के अनुरूप केन्द्र सरकार द्वारा राज्यों को उचित मूल्यों की दुकानों के खोलने के लिए अनाज, कपड़ा, सीमेंट, कारोसीन व खाद्य तेल आदि का आवंटन नहीं किया जा रहा है। अनाज का आवंटन आदि दस किलो प्रति व्यक्ति के हिसाब से किया जाए तो सात प्रतिशत जनता की आवश्यकता की भी पूर्ति नहीं होती।

राजस्थान में भारत सरकार के खाद्य विभाग ने जनवरी 81 में 6000 मै. टन गेहूँ का आवंटन किया जो बढ़ा कर 20,000 टन दिसम्बर 81 में किया गया। परन्तु राज्य की 1981 की जन संख्या जो 3 करोड़ 41 लाख है, के लिए अपर्याप्त है और सात प्रतिशत जनता की आवश्यकता की ही पूर्ति कर सकता है। राज्य के रीगस्तानी क्षेत्रों में चार वर्षों से सूखा है और अन्य हिस्सों में तीन वर्षों से सूखा है। प्रान्त की आधी जनसंख्या की आवश्यकता के अनुसार भी राज्य में अनाज पैदा नहीं हुआ है।

अनाज की उचित मूल्य की दुकानों कम-जोर वर्ग के लोगों के लाभ के लिए खोली जाती हैं परन्तु ग्रामीण क्षेत्रों में जहाँ कम-जोर वर्ग के लोगों एवं गरीबी की रेखा के नीचे लोगों की अधिक संख्या है, को लाभ नहीं मिल रहा है क्योंकि अधिकांश ग्रामीण क्षेत्रों में अनाज नहीं भेजा जाता है। अनाज का लाभ नगर और शहर की ही जनता उठा रही है, ग्रामीण क्षेत्र उक्त लाभ से बिल्कुल वंचित है।

अतः कृषि मंत्री जी से आग्रह-पूर्वक निवेदन है कि राजस्थान प्रान्त की चार वर्ष से लगातार अकाल की विषम परिस्थिति को देखते हुए एक लाख मेट्रिक टन गेहूँ प्रतिमाह आवंटन किया जाए ताकि अकाल पीड़ित गांवों में दस किलो प्रति व्यक्ति के हिसाब से सस्ता गेहूँ दिया जा सके।